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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR -2 AM 11:00

UNITED STATES OF AMERICA, Plaintiff, v. **1. Angel Jose BERMUDEZ,** **2. David PEREZ-Lemos** Defendant(s)	Magistrate Case No. '08 MJ 1009 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **March 31, 2008,** within the Southern District of California, defendants **Angel Jose BERMUDEZ and David PEREZ-Lemos** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Carlos DEL MONTE-Palacios, Olegario NORIEGA-Gonzalez,** and **Rodrigo ANGULO-Arzate** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF **APRIL 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
1. Angel Jose BERMUDEZ
2. David PEREZ-Lemos

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Carlos DEL MONTE-Palacios, Olegario NORIEGA-Gonzalez, and Rodrigo ANGULO-Arzate** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 31, 2008, at approximately 6:25 pm, Border Patrol Agent J. Alba was working as the desk officer at the El Cajon, California Border Patrol Station. At this time, Agent Alba received a phone call from a citizen regarding a vehicle loading possible illegal aliens. The citizen stated that she observed a tan Yukon and a white sedan pulled over on the side of the road together. She stated that she observed the vehicles pulled over on SR 94 and just east of the Mountain Empire campground. She stated that the possible illegal aliens were jumping into the back of the Yukon while the white sedan was waiting by the vehicle. She further stated that after all the subjects were in the vehicle, they both drove together eastbound on SR 94. Agent Alba then advised other Agents in the field regarding this.

At approximately 6:30 pm, Senior Patrol Agent J. Zuniga observed two vehicles matching the description reported by Agent Alba. Agent Zuniga observed the vehicles heading northbound on Buckman Springs road. Cameron Corners is located at the intersection of SR 94 and Buckman Springs road. Cameron Corners is approximately three miles east of the Mountain Empire campground. Agent Zuniga believed that these vehicles were indeed a match for the citizen's call.

Agent C. Sweet observed a tan Yukon drive north on Buckman Springs road past his position. Agent Sweet noticed that the only visible occupant was a male driver. Agent Sweet pulled in behind the Yukon in his marked Service vehicle and called in the vehicle license plate information. At this time, Agent Zuniga pulled in behind the white sedan, which was behind Agent Sweet.

Agent Sweet observed that the Yukon was unable to maintain control when swerving through the curves of the road and the vehicle appeared to be heavily laden. At approximately 6:35 pm, Agent Sweet activated his emergency lights and sirens on his marked Service vehicle and informed Dispatch that he was attempting to pull over the Yukon. The vehicle sped up. Agent Sweet informed Dispatch that he had a failure to yield. Agent Ramirez deployed the Controlled Tire Deflation Device (CTDD) and the Yukon swerved to the shoulder of the road in an attempt to avoid the CTDD. The Yukon was unable to get out of the way of the CTDD. After following the Yukon for approximately one mile, Agent Sweet informed Dispatch that the Yukon was stopped in the middle of the road at the intersection of Old Buckman Springs road and Buckman Springs road. Agent Sweet pulled his vehicle alongside the rear driver's side of the Yukon as the driver's door burst open and the driver began running. After a brief foot chase, Agent Sweet was able to apprehend the driver of the Yukon. Agent Sweet saw that the driver, later identified as Defendant #1 **Angel Jose BERMUDEZ**, had thrown down the Yukon's keys and his cell phone. Agent Sweet recovered them. Border Patrol Agents from the Campo Border Patrol Station arrived and were able to apprehend the remaining ten individuals that had fled from the passenger side of the Yukon while Agent Sweet was chasing the driver.

CONTINUATION OF COMPLAINT:
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Agent Sweet identified himself as a United States Border Patrol Agent and questioned each of the eleven subjects as to their citizenship. Each of the ten subjects, excluding the driver, stated that they were citizens and nationals of Mexico without any immigration documents that would allow them to enter, be, or reside in the United States lawfully. The driver, **BERMUDEZ**, stated that he was a citizen and national of the United States. Agent Sweet placed all eleven individuals under arrest and transported them to the Tecate, California Processing Center.

Agent Zuniga had performed a vehicle stop on the white sedan approximately 200 yards south of the Yukon on Buckman Springs road. Agent Zuniga identified himself to the driver, later identified as Defendant #2 **David PEREZ-Lemos**, as a United States Border Patrol Agent and questioned him as to his citizenship. He stated that he was a citizen and national of the United States. Agent Zuniga stated that he observed two cell phones in the center cup holder. One of the cell phones had been broken in half. Agent Zuniga asked PEREZ why he had a broken cell phone; he stated that he did not know why it was broken, because he got it that way. Agent Zuniga stated that **PEREZ** was very agitated and was belligerent during questioning. When asked where he was coming from and what his intended destination was, the defendant stated that he had just left Tijuana, Baja California, Mexico and was headed to Compton, California Agent Zuniga believed that **PEREZ** was indeed directly involved with the smuggling event concerning the Yukon. Agent Zuniga placed **PEREZ** under arrest and transported him to the Tecate, California Processing Center.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Carlos DEL MONTE-Palacios, Olegario NORIEGA-Gonzalez, and Rodrigo ANGULO-Arzate** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally with the help of a foot-guide. Material witnesses Olegario NORIEGA-Gonzalez and Angel BERMUDEZ stated that they were to pay $2,000 (US) to be smuggled into the United States.